IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.16164 of 2006

DATE OF DECISION: October 27, 2006

Gugan Singh and others

….Petitioners

VERSUS

State of Haryana and others

…..Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S. BHALLA

PRESENT: Shri N.K.Malhotra, Advocate for the petitioners.

Viney Mittal,J.

The petitioners are practicing Advocates at District Court Rohtak. They have approached this Court for issuance of directions to respondents to provide private chambers in the premises of District Courts at Rohtak. It has been pleaded by the petitioners that they are practicing in District Courts and alongwith some other practicing Advocates, have raised the construction of pucca chambers at their own costs. It has been alleged in the petition that the Deputy Commissioner, Rohtak, respondent No.2 was now taking steps to demolish the aforesaid private chambers of the petitioners. The aforesaid apprehended demolition of the chambers is subject matter of challenge by the petitioners through the present petition.

The present petition had originally come up for hearing on October 12,2006. After hearing the learned counsel for the

petitioners, an order of dismissal was pronounced by the Court. However, while recording the detailed order, it was realised that some further clarification was required. Consequently, the matter was put up for re-hearing on October 19, 2006.

On October 19,2006, the learned counsel for the petitioners was required to find out as to whether at any point of time the District Administration had given any assurance to the petitioners to the effect that after the demolition of the chambers of the petitioners, the petitioners would be accommodated in newly constructed chambers as and when the said construction is completed. For the aforesaid purpose, the case was adjourned to October 27, 2006 i.e. today.

Shri N.K.Malhotra, the learned counsel appearing for the petitioners has, at the outset, stated that no such assurance had ever been given by the District Administration to the petitioners to the effect that after the demolition of the chambers of the petitioners, the petitioners would be preferentially accommodated in newly constructed chambers as and when the said construction is completed. However, the learned counsel has argued that since the petitioners have raised the construction of the chambers by spending huge amount and the aforesaid chambers were in existence for a considerable period of 10 to 15 years, it was only appropriate that the said construction be treated as regularized and the petitioners be permitted to carry on their professional activities from the aforesaid chambers.

We have duly considered the various pleas raised by the petitioners in the present petition. We have also taken into consideration the arguments raised by the learned counsel for the petitioners.

During the course of arguments by the learned counsel for the petitioners, it has emerged that with the construction of the newly judicial complex at Rohtak, separate provision is being made for lawyers chambers as well alongwith the shed for litigants and various other such facilities. In these circumstances, the chambers/construction raised by the petitioners which cannot be treated to be sanctioned, in any manner and has been raised by the petitioners on government land, cannot be treated to be authorised. The petitioners must make wait for the newly developed court complex and the lawyers chambers. Once newly constructed lawyers chambers come into existence, the petitioners, like all other practicing Advocates, can also approach the Bar Association, Rohtak for being treated similarly as all other practicing Advocates are treated.

We find no merit in the present petition and the same is accordingly dismissed.

(Viney Mittal)
Judge

October 27, 2006
KD

(H.S. Bhalla)
Judge